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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 6055 of 2007
Date of decision: 23.11.2007

Surinder Singh **...Petitioner**

Versus

Dr. Harpreet Singh **...Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sudhir Paruthi, Advocate for the petitioner.

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RAJESH BINDAL, J.

The challenge in the present petition is to the order dated November 13, 2007 passed by the learned Civil Judge (Senior Division), Jalandhar whereby the evidence of the petitioner/plaintiff was closed by order of the Court and the case was adjourned for November 29, 2007 for the evidence of the respondent/defendant.

For the view I am taking in the present petition, I do not deem it appropriate to issue notice to the respondent as the same would unnecessarily delay not only disposal of the present petition but the suit as well.

Learned counsel for the petitioner submitted that quite vigilantly he was prosecuting the suit filed by him, however, for one reason or the other beyond his control, the entire evidence could not be completed. On October 01, 2007 examination-in-chief of PW2 was completed, however, his cross examination was deferred on the request of counsel for the respondent/defendant. On the next date, due to unavoidable reason, witness, namely, PW2 had to go to Delhi and for that reason he could not present himself before the Court for his cross-examination. It was under these circumstances that the evidence of the petitioner/plaintiff was closed. The submission is that in case one last opportunity is granted, PW2 will be present in Court on the date fixed for his cross-examination as in the

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absence thereof statement made by this witness in his examination-in-chief will not be considered and as a result thereof the petitioner/plaintiff will suffer.

Though a perusal of the impugned order shows that sufficient opportunities were granted to the petitioner for completing his evidence, however, still considering the fact that on the date when the evidence of the petitioner was closed, the witness had to go out of station, in the interest of justice, one last opportunity is granted to the petitioner to complete his entire evidence on the date already fixed by the trial Court i.e. November 29, 2007. Before the evidence of the defendant is recorded, learned trial Court will grant an opportunity to the respondent/defendant to cross-examine PW2. The same shall be subject to payment of Rs. 2500/- as costs to the respondent/defendant. The impugned order passed by the learned trial Court is modified to this extent. However, it is made clear that in case of failure, the petitioner shall not be granted any further opportunity for completing his evidence.

The revision petition is disposed of in the manner indicated above.

Copy of this order be given Dasti on payment of usual charges.

November 23, 2007 **(Rajesh Bindal)**
Pka **Judge**